

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                |   |                            |
|--------------------------------|---|----------------------------|
| <b>BRETT BOND,</b>             | ) | <b>CASE NO. 4:10CV3173</b> |
|                                | ) |                            |
| <b>Plaintiff,</b>              | ) |                            |
|                                | ) |                            |
| <b>v.</b>                      | ) | <b>MEMORANDUM</b>          |
|                                | ) | <b>AND ORDER</b>           |
| <b>UNION PACIFIC RAILROAD,</b> | ) |                            |
|                                | ) |                            |
| <b>Defendant.</b>              | ) |                            |

This matter is before the court on Plaintiff's Motion for Leave to Appeal in forma pauperis. (Filing No. [12](#).) On April 18, 2011, the court dismissed Plaintiff's claims without prejudice and entered Judgment against him. (Filing Nos. [8](#) and [9](#).) Plaintiff filed a timely Notice of Appeal of the court's Judgment. (Filing No. [10](#).) Plaintiff is a non-prisoner and has not previously been granted leave to proceed in forma pauperis ("IFP") in this matter.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(1\)](#):

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court.

The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24\(a\)\(1\)](#). The court has carefully reviewed the record. Plaintiff has filed an Affidavit to proceed without payment of fees that declares he is entitled to the relief sought in his Complaint. (Filing No. [12](#).) Therefore, Plaintiff's Motion for Leave to Appeal IFP is granted.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal IFP (Filing No. [12](#)) is granted; and
2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 2<sup>nd</sup> day of May, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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